

HOUSE No. 274

By Mr. deMacedo of Plymouth, petition of Thomas J. O'Brien and others for legislation relative to the indemnification of public employment retirees. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien	Elizabeth A. Poirier
Viriato Manuel deMacedo	Joyce A. Spiliotis
Susan W. Pope	Colleen M. Garry

In the Year Two Thousand and Five.

AN ACT RELATIVE TO INDEMNIFICATION OF PUBLIC RETIREES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 100B of Chapter 41 of the General Laws, as appearing
2 in the 2002 Official Edition, is hereby amended by inserting after
3 the last sentence thereof the following sentences:— “Such panel
4 shall act on application hereunder within sixty days of its receipt
5 of due proof from the applicant. An applicant, aggrieved by any
6 denial his application or the failure of such panel to act hereon
7 within sixty days, may petition the superior court in equity to
8 determine whether such panel has without good cause failed to act
9 on such an application, or has been arbitrary or capricious, or has
10 abused its discretion, or otherwise has not acted in accordance
11 with the law. After due notice and hearing, such court may order
12 panel to act on such application, or to consider or further consider
13 and determine the same in conformity with the law, and award the
14 applicant costs, attorney fees and such other relief it deems proper
15 in prosecuting his petition. The expenses, for which indemnifica-
16 tion is certified by such panel, shall be paid out of funds appropri-
17 ated for such purpose within sixty days of such certification. An
18 applicant, aggrieved by the failure to make payment within sixty

19 days of such certification, may petition the superior court to order
20 such payment and award the applicant costs, attorney fees and
21 such other relief it deems proper in prosecuting his petition.”